

[First Reprint]

ASSEMBLY, No. 537

STATE OF NEW JERSEY

210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

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SYNOPSIS

Upgrades penalty for assault in certain cases.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on January 27, 2003, with amendments.

(Sponsorship Updated As Of: 12/16/2003)

1 AN ACT concerning ¹[corrections officers] assault¹ and amending
2 N.J.S.2C:12-1.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.2C:12-1 is amended to read as follows:

8 2C:12-1. Assault. a. Simple assault. A person is guilty of assault
9 if he:

10 (1) Attempts to cause or purposely, knowingly or recklessly causes
11 bodily injury to another; or

12 (2) Negligently causes bodily injury to another with a deadly
13 weapon; or

14 (3) Attempts by physical menace to put another in fear of imminent
15 serious bodily injury.

16 Simple assault is a disorderly persons offense unless committed in
17 a fight or scuffle entered into by mutual consent, in which case it is a
18 petty disorderly persons offense.

19 b. Aggravated assault. A person is guilty of aggravated assault if
20 he:

21 (1) Attempts to cause serious bodily injury to another, or causes
22 such injury purposely or knowingly or under circumstances
23 manifesting extreme indifference to the value of human life recklessly
24 causes such injury; or

25 (2) Attempts to cause or purposely or knowingly causes bodily
26 injury to another with a deadly weapon; or

27 (3) Recklessly causes bodily injury to another with a deadly
28 weapon; or

29 (4) Knowingly under circumstances manifesting extreme
30 indifference to the value of human life points a firearm, as defined in
31 section 2C:39-1f., at or in the direction of another, whether or not the
32 actor believes it to be loaded; or

33 (5) Commits a simple assault as defined in subsection a. (1), (2) or
34 (3) of this section upon:

35 (a) Any law enforcement officer acting in the performance of his
36 duties while in uniform or exhibiting evidence of his authority or
37 because of his status as a law enforcement officer; or

38 (b) Any paid or volunteer fireman acting in the performance of his
39 duties while in uniform or otherwise clearly identifiable as being
40 engaged in the performance of the duties of a fireman; or

41 (c) Any person engaged in emergency first-aid or medical services

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted January 27, 2003.

1 acting in the performance of his duties while in uniform or otherwise
2 clearly identifiable as being engaged in the performance of emergency
3 first-aid or medical services; or

4 (d) Any school board member, school administrator, teacher,
5 school bus driver or other employee of a school board while clearly
6 identifiable as being engaged in the performance of his duties or
7 because of his status as a member or employee of a school board or
8 any school bus driver employed by an operator under contract to a
9 school board while clearly identifiable as being engaged in the
10 performance of his duties or because of his status as a school bus
11 driver; or

12 (e) Any employee of the Division of Youth and Family Services
13 while clearly identifiable as being engaged in the performance of his
14 duties or because of his status as an employee of the division; or

15 (f) Any justice of the Supreme Court, judge of the Superior Court,
16 judge of the Tax Court or municipal judge while clearly identifiable as
17 being engaged in the performance of judicial duties or because of his
18 status as a member of the judiciary; or

19 (g) Any operator of a motorbus or the operator's supervisor or any
20 employee of a rail passenger service while clearly identifiable as being
21 engaged in the performance of his duties or because of his status as an
22 operator of a motorbus or as the operator's supervisor or as an
23 employee of a rail passenger service; or

24 (h) Any ¹Department of Corrections employee, county¹ corrections
25 officer, juvenile corrections officer, ¹[or] , State juvenile facility
26 employee, juvenile detention staff member,¹ juvenile detention officer
27 ¹,probation officer or any sheriff, undersheriff, or sheriff's officer¹
28 acting in the performance of his duties while in uniform or exhibiting
29 evidence of his authority; or

30 (6) Causes bodily injury to another person while fleeing or
31 attempting to elude a law enforcement officer in violation of
32 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
33 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
34 other provision of law to the contrary, a person shall be strictly liable
35 for a violation of this subsection upon proof of a violation of
36 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
37 violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily
38 injury to another person; or

39 (7) Attempts to cause significant bodily injury to another or causes
40 significant bodily injury purposely or knowingly or, under
41 circumstances manifesting extreme indifference to the value of human
42 life recklessly causes such significant bodily injury; or

43 (8) Causes bodily injury by knowingly or purposely starting a fire
44 or causing an explosion in violation of N.J.S.2C:17-1 which results in
45 bodily injury to any emergency services personnel involved in fire
46 suppression activities, rendering emergency medical services resulting

1 from the fire or explosion or rescue operations, or rendering any
2 necessary assistance at the scene of the fire or explosion, including any
3 bodily injury sustained while responding to the scene of a reported fire
4 or explosion. For purposes of this subsection, "emergency services
5 personnel" shall include, but not be limited to, any paid or volunteer
6 fireman, any person engaged in emergency first-aid or medical services
7 and any law enforcement officer. Notwithstanding any other provision
8 of law to the contrary, a person shall be strictly liable for a violation
9 of this paragraph upon proof of a violation of N.J.S.2C:17-1 which
10 resulted in bodily injury to any emergency services personnel; or

11 (9) Knowingly, under circumstances manifesting extreme
12 indifference to the value of human life, points or displays a firearm, as
13 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a
14 law enforcement officer; or

15 (10) Knowingly points, displays or uses an imitation firearm, as
16 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a
17 law enforcement officer with the purpose to intimidate, threaten or
18 attempt to put the officer in fear of bodily injury or for any unlawful
19 purpose; or

20 (11) Uses or activates a laser sighting system or device, or a
21 system or device which, in the manner used, would cause a reasonable
22 person to believe that it is a laser sighting system or device, against a
23 law enforcement officer acting in the performance of his duties while
24 in uniform or exhibiting evidence of his authority. As used in this
25 paragraph, "laser sighting system or device" means any system or
26 device that is integrated with or affixed to a firearm and emits a laser
27 light beam that is used to assist in the sight alignment or aiming of the
28 firearm.

29 Aggravated assault under subsections b. (1) and b. (6) is a crime of
30 the second degree; under subsections b. (2), b. (7), b. (9) and b. (10)
31 is a crime of the third degree; under subsections b. (3) and b. (4) is a
32 crime of the fourth degree; and under subsection b. (5) is a crime of
33 the third degree if the victim suffers bodily injury, otherwise it is a
34 crime of the fourth degree. Aggravated assault under subsection b.(8)
35 is a crime of the third degree if the victim suffers bodily injury; if the
36 victim suffers significant bodily injury or serious bodily injury it is a
37 crime of the second degree. Aggravated assault under subsection
38 b.(11) is a crime of the third degree.

39 c. (1) A person is guilty of assault by auto or vessel when the
40 person drives a vehicle or vessel recklessly and causes either serious
41 bodily injury or bodily injury to another. Assault by auto or vessel is
42 a crime of the fourth degree if serious bodily injury results and is a
43 disorderly persons offense if bodily injury results.

44 (2) Assault by auto or vessel is a crime of the third degree if the
45 person drives the vehicle while in violation of R.S.39:4-50 or section
46 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results

1 and is a crime of the fourth degree if the person drives the vehicle
2 while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512
3 (C.39:4-50.4a) and bodily injury results.

4 (3) Assault by auto or vessel is a crime of the second degree if
5 serious bodily injury results from the defendant operating the auto or
6 vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
7 c.512 (C.39:4-50.4a) while:

8 (a) on any school property used for school purposes which is
9 owned by or leased to any elementary or secondary school or school
10 board, or within 1,000 feet of such school property;

11 (b) driving through a school crossing as defined in R.S.39:1-1 if
12 the municipality, by ordinance or resolution, has designated the school
13 crossing as such; or

14 (c) driving through a school crossing as defined in R.S.39:1-1
15 knowing that juveniles are present if the municipality has not
16 designated the school crossing as such by ordinance or resolution.

17 Assault by auto or vessel is a crime of the third degree if bodily
18 injury results from the defendant operating auto or vessel in violation
19 of this paragraph.

20 A map or true copy of a map depicting the location and boundaries
21 of the area on or within 1,000 feet of any property used for school
22 purposes which is owned by or leased to any elementary or secondary
23 school or school board produced pursuant to section 1 of P.L.1987,
24 c.101 (C.2C:35-7) may be used in a prosecution under subparagraph
25 (a) of paragraph (3) of this section.

26 It shall be no defense to a prosecution for a violation of
27 subparagraph (a) or (b) of paragraph (3) of this subsection that the
28 defendant was unaware that the prohibited conduct took place while
29 on or within 1,000 feet of any school property or while driving
30 through a school crossing. Nor shall it be a defense to a prosecution
31 under subparagraph (a) or (b) of paragraph (3) of this subsection that
32 no juveniles were present on the school property or crossing zone at
33 the time of the offense or that the school was not in session.

34 As used in this section, "vessel" means a means of conveyance for
35 travel on water and propelled otherwise than by muscular power.

36 d. A person who is employed by a facility as defined in section 2
37 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
38 defined in paragraph (1) or (2) of subsection a. of this section upon an
39 institutionalized elderly person as defined in section 2 of P.L.1977,
40 c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

41 e. (Deleted by amendment P.L.2001, c.443).

42 ¹f. A person who commits a simple assault as defined in paragraph
43 (1), (2) or (3) of subsection a. of this section in the presence of a child
44 under 16 years of age at a school or community sponsored youth
45 sports event is guilty of a crime of the fourth degree. The defendant
46 shall be strictly liable upon proof that the offense occurred, in fact, in

1 the presence of a child under 16 years of age. It shall not be a defense
2 that the defendant did not know that the child was present or
3 reasonably believed that the child was 16 years of age or older. The
4 provisions of this subsection shall not be construed to create any
5 liability on the part of a participant in a youth sports event or to
6 abrogate any immunity or defense available to a participant in a youth
7 sports event. As used in this act, "school or community sponsored
8 youth sports event" means a competition, practice or instructional
9 event involving one or more interscholastic sports teams or youth
10 sports teams organized pursuant to a nonprofit or similar charter or
11 which are member teams in a youth league organized by or affiliated
12 with a county or municipal recreation department and shall not include
13 collegiate, semi-professional or professional sporting events.¹

14 (cf: P.L.2002, c.53, s.1)

15

16 2. This act shall take effect immediately.